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Changes at Biosecurity Australia 2004

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Report Highlights:

On July 15, 2004, the Australian Government announced changes to its quarantine policy-making system for agricultural imports. Biosecurity Australia will be moved within the Department of Agriculture, Fisheries and Forestry, and a new standing, independent panel will be established to assess comments to draft Import Risk Assessments. The changes come amidst widespread complaints from agricultural interests regarding a series of recent quarantine actions.

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Changes at Biosecurity Australia

The Australian Government announced changes to its quarantine policy-making system for agricultural imports on July 15, 2004. According to a media release from the Minister for Agriculture, Fisheries and Forestry, Biosecurity Australia (BA) will be made into a separate agency within the Australian Department of Agriculture, Forestry and Fisheries (DAFF), and a new standing, independent panel will be established to assess stakeholder comments to draft Import Risk Analyses (IRAs). BA is responsible for the development of Australia's quarantine policy, including conducting IRAs.

The changes come amidst widespread complaints from agricultural interests regarding a series of recent quarantine policy actions. The complaints have emanated chiefly from industries that would face first-time, or increased, import competition as a result of changes to existing quarantine import conditions. Additionally, the recent discovery of an outbreak of citrus canker in the State of Queensland has highlighted the importance of an effective quarantine system.

The domestic pork industry has roundly criticized the final pig meat IRA that was announced as policy by the government on May 10, 2004. The pig meat IRA resulted in changes in existing import conditions, including the addition to the list of countries that can ship pork products to Australia. Australian Pork Limited (APL), the peak body representing the pork industry, lodged an appeal against the final IRA that was subsequently overturned by the IRA Appeals Panel. Once the new import conditions were announced, APL called for the IRA to be reversed and threatened legal action. Reportedly, APL has now carried through and filed a court case against the decision.

Additionally, draft IRAs that would permit imports of New Zealand apples and bananas from the Philippines have caused similar outcries from domestic interests. Specific criticism has centered on technical and procedural issues related to the ongoing IRAs, and accusations that quarantine decisions are being made on the basis of trade policy, not science. (See GAIN Report #4006, 02/23/04, for further information about the IRAs for pork, apples and bananas.)

The National Farmers Federation and some large commodity groups, including representatives of the dairy industry, have spoken out publicly in support of the integrity and efficacy of Australia's import quarantine system. In a news release on this topic, NFF noted that access to overseas markets is of vital importance to Australia, and therefore it's crucial that the quarantine system be seen as transparent and not as a barrier to trade. Additionally, a confidential report commissioned by NFF is reported to have found that BA followed the correct process and used sound scientific evidence in reaching their decisions on the pig meat IRA.

BA and their portfolio will reportedly be moved to a separate agency within DAFF and will report directly to a DAFF Deputy Secretary. Currently, BA is situated in DAFF together with a market access section that handles market access for Australian agricultural exports.

The changes also establish a standing, scientific panel to assess IRAs. Reportedly, this panel of Australian scientists will assess stakeholder comments that are made in response to a draft IRA. Thus, when a final IRA is released it will have already been reviewed and stakeholder comments will have been assessed by an "independent", scientific review. No details have yet been released on the make-up of the panel. (Under current policy, there are provisions for advice from independent peer reviewers.)

Apart from the creation of the independent panel, current and future IRAs will continue to follow procedures outlined in the government's IRA Handbook (revised, in 2003). As before, an IRA Team will be responsible for conducting the IRA, with support from BA, as necessary. The IRA Team is chaired by a senior officer from BA or a related group within DAFF and team members are drawn from BA or DAFF, other government agencies (federal, state or territory), industry, scientific organizations, academia, private consultants or the general public. An IRA Appeals Panel (IRAAP) is also convened to assess appeals to a Final IRA that are made on specific procedural or scientific grounds.

The newly announced change will be implemented for all ongoing IRAs. The pork IRA, which has already been finalized, will not be impacted.

This change in the governmental structure and procedures for conducting IRAs is one of a number changes that have been made in recent years. In October 2000, BA was split-out from the Australian Quarantine and Inspection Service (AQIS) to distinguish biosecurity policy development from the operational work of AQIS. Currently, AQIS is responsible for ensuring border quarantine security, issuing import permits and providing export health certification. Additional significant changes were made in Australia's quarantine system as the result of recommendations from an Australian Quarantine Review Committee that issued a report in 1996 (known as the Nairn report.)

Australia's quarantine system is also criticized by many of Australia's trading partners, notably for being overly restrictive and too time consuming. Specifically in this regard, Australia is currently defending its quarantine regime from World Trade Organization dispute settlement challenges from the European Union and the Philippines (see GAIN Report #AS3011.) Australia also lost a World Trade Organization dispute settlement case on salmon in 1998 that was the first successful challenge brought under the WTO Agreement on the Application of SPS Measures.

Recent Post Reports of Interest

Report #AS4006, New Import Risk Analysis Reports Released, 02/23/04
Report #AS3025, Draft Quarantine Changes for Pork Imports, 08/15/03
Report #AS3011, EU Challenges Australia's Quarantine System, 04/24/03